

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

JAMES W. ALEXANDER,)	
)	
Plaintiff,)	
)	
v.)	CV419-196
)	
FLOYD JUSTIN, et al.,)	
)	
Defendants.)	

REPORT AND RECOMMENDATION

This case was filed on August 12, 2019, doc. 1, and the filing fee paid, although the case was never served. On January 14, 2020, this Court entered a Show Cause Order directing plaintiff to explain why this case should not be dismissed for failure to serve in accordance with Fed. R. Civ. P. 4(m) and for failure to provide a current address. Doc. 5. To this date, plaintiff has provided no response.

The Federal Rules require plaintiffs serve defendants within ninety days of filing. *See* Fed. R. Civ. P. 4(m). After notice of a plaintiff's failure to timely serve a defendant, "the court . . . must dismiss the action without prejudice against that defendant. . . ." *Id.* This Court also has the authority to prune cases from its dockets where parties have failed to comply with its Orders. *See* L.R. 41(b); *see Link v.*

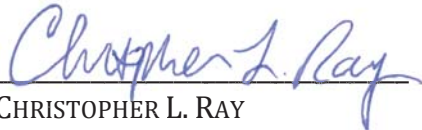
Wabash R.R. Co., 370 U.S. 626, 630-31 (1962) (courts have the inherent authority to dismiss claims for lack of prosecution); *Mingo v. Sugar Cane Growers Co-op*, 864 F.2d 101, 102 (11th Cir. 1989); *Jones v. Graham*, 709 F.2d 1457, 1458 (11th Cir. 1983); *Floyd v. United States*, CV491-277 (S.D. Ga. June 10, 1992). Accordingly, this case should be dismissed for failure to serve in accordance with Fed. R. Civ. P. 4(m) as well as failure to follow a Court Order.

This Report and Recommendation (R&R) is submitted to the district judge assigned to this action, pursuant to 28 U.S.C. § 636(b)(1)(B) and this Court's Local Rule 72.3. Within 14 days of service, any party may file written objections to this R&R with the Court and serve a copy on all parties. The document should be captioned "Objections to Magistrate Judge's Report and Recommendations." Any request for additional time to file objections should be filed with the Clerk for consideration by the assigned district judge.

After the objections period has ended, the Clerk shall submit this R&R together with any objections to the assigned district judge. The district judge will review the magistrate judge's findings and

recommendations pursuant to 28 U.S.C. § 636(b)(1)(C). The parties are advised that failure to timely file objections will result in the waiver of rights on appeal. 11th Cir. R. 3-1; *see Symonette v. V.A. Leasing Corp.*, 648 F. App'x 787, 790 (11th Cir. 2016); *Mitchell v. United States*, 612 F. App'x 542, 545 (11th Cir. 2015).

SO REPORTED AND RECOMMENDED, this 23rd day of June, 2020.


CHRISTOPHER L. RAY
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA